

KAVANAGH MALONEY & OSNATO LLP
Attorneys for Defendants
415 Madison Avenue
New York, N.Y. 10017
212-207-8400

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAT HOUSE PRODUCTIONS, LLC d/b/a SURF
CHICK, KATHLEEN MERRICK, PATRICIA J.
WAGNER and AURORA CONTRERAS,

[ECF]

07 CIV 9700(BSJ)(MHD)

Plaintiffs,

-against-

AFFIDAVIT OF
DAVID F. BAYNE

PAUL, HASTINGS, JANOFSKY & WALKER, LLP,
REBECCA KELDER MYERS, KATHERINE CHANG
and CATHERINE M. CLAYTON,

Defendants.

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STATE OF NEW YORK)

:ss:

COUNTY OF NEW YORK)

DAVID F. BAYNE, being duly sworn, deposes and says:

1. I am a member of Kavanagh Maloney & Osnato LLP, counsel for Defendants. I submit this affidavit in support of Defendant Katherine Chang's motion to dismiss this action against her.

2. On January 17, 2008, Defendants Paul, Hastings, Janofsky & Walker, LLP ("Paul Hastings"), Rebecca Kelder Myers, and Catherine M. Clayton moved to dismiss

the Amended Complaint in this legal malpractice action on the ground that this Court lacks subject matter jurisdiction over this action. Defendants Myers and Clayton also moved to dismiss for failure to state a claim upon which relief can be granted against them because no specific acts or omissions were alleged to have been committed by them in support of the claim that they were negligent. That motion was fully briefed and was submitted to the Court on February 11, 2008.

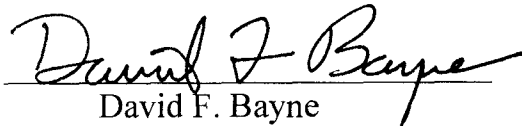
3. At the time the motion was made on behalf of the other Defendants, Ms. Chang had not been served with process in this action. Therefore, the motion was not made on her behalf. This motion seeks the same relief as is sought by the other Defendants with respect to subject matter jurisdiction for the same reasons and, therefore, Ms. Chang relies upon the Declaration of Eve M. Coddon, Esq., dated January 16, 2008, submitted in support of the other Defendants' motion as well as the moving and reply Memoranda of Law submitted in support of that motion. A copy of Defendants' moving Memorandum of Law, dated January 17, 2008, is attached as Exhibit A hereto and a copy of Defendants' Reply Memorandum of Law, dated February 11, 2008, is attached as Exhibit B.

4. This affidavit and the Memorandum of Law submitted herewith are intended to merely bring the events of the related California action outlined in the Coddon Declaration up to date by attaching the March 5, 2008 Order Remanding Action for Lack of Subject Matter Jurisdiction issued by United States District Judge George H. King of the Central District of California in the action captioned Paul, Hastings, Janofsky & Walker, LLP

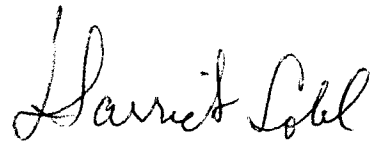
v. Kat House Productions, LLC, et al., CV 07-7990-GHK(CTx), and asking the Court to take judicial notice of the Order. A copy of the Order is attached as Exhibit C.

5. This Order resolves the case described in Ms. Coddon's moving Declaration in the California federal court by remanding that case back to the Superior Court of California, County of Los Angeles, because Judge King held that the United States District Court lacked subject matter jurisdiction over the dispute between Plaintiffs and Paul Hastings.

6. For all of the foregoing reasons, Defendant Chang respectfully requests that this Court grant her motion to dismiss this case for lack of subject matter jurisdiction or, in the alternative, for failure to state a claim for relief against her.


David F. Bayne

Sworn to before me this
9th day of April, 2008



Notary Public

HARRIET LOBL
Notary Public, State of New York
No. 01L07578000
Qualified in New York County
Commission Expires January 31, 2011

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 81 Metropolitan Oval, Bronx, NY.

That on April 9, 2008 deponent served the annexed


**NOTICE OF MOTION, AFFIDAVIT OF DAVID F. BAYNE,
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT KATHERINE
CHANG'S MOTION TO DISMISS THE ACTION AND DECLARATION OF EVE
M. CODDON DATED JANUARY 16, 2008**

BY MAIL AND ECF FILING

on

Brian T. Egan, Esq., Egan & Golden, LLP, 475 East Main Street, Suite 114, Patchogue, NY 11772, Attorneys for Plaintiffs

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Brandon Gray-Devitt

Sworn to before me this
9th day of April, 2008

Samuel Loh

Notary Public

HARRIET LOBL
Notary Public, State of New York
No. 01L07578060
Qualified in New York County
Commission Expires January 31, 2011